

UNITED STATES BANKRUPTCY COURT
Western District of New York
1220 U.S. Courthouse, 100 State Street
Rochester, New York 14614
www.nywb.uscourts.gov

Case No.

Chapter

SSN/Tax ID:

UNITED STATES TRUSTEE'S NOTICE OF MOTION TO CONVERT OR DISMISS

PLEASE TAKE NOTICE that a hearing will be held before the Honorable John C. Ninfo, II, United States Bankruptcy Judge on:

to consider a motion filed by the United States Trustee, Kathleen Dunivin-Schmitt, Assistant United States Trustee, seeking an Order, (1) converting this Chapter 11 case to a case under Chapter 7 of the Bankruptcy Code or, in the alternative, dismissing this Chapter 11 case, and (2) for such other and further relief as the Court may deem just and proper.

PURSUANT TO FRBP 9014 AND THE STANDING ORDERS IMPLEMENTING DEFAULT PROCEDURES IN ROCHESTER AND WATKINS GLEN; IF YOU INTEND TO OPPOSE THE MOTION, AT A MINIMUM, YOU MUST SERVE: (1) THE MOVANT AND MOVANT'S COUNSEL, AND (2) IF NOT THE MOVING PARTY (A) THE DEBTOR AND DEBTOR'S COUNSEL; (B) IN A CHAPTER 11 CASE, THE CREDITORS' COMMITTEE AND ITS ATTORNEY, OR IF THERE IS NO COMMITTEE, THE 20 LARGEST CREDITORS; AND (C) ANY TRUSTEE. IN ADDITION, YOU MUST FILE WITH THE CLERK OF THE BANKRUPTCY COURT WRITTEN OPPOSITION TO THE MOTION NO LATER THAN THREE (3) BUSINESS DAYS PRIOR TO THE RETURN DATE OF THE MOTION PURSUANT TO FRBP 9006(a). IN THE EVENT NO WRITTEN OPPOSITION IS SERVED AND FILED, NO HEARING ON THE MOTION WILL BE HELD ON THE RETURN DATE AND THE COURT WILL CONSIDER THE MOTION AS UNOPPOSED.

Notice is further given that the papers upon which this motion is made are filed with the Office of the Clerk of the Court and may be viewed during regular business hours.

Appearance by the debtor, debtor's attorney, movant and opposing party(ies) is required if opposition is filed. This requirement applies equally to any and all subsequent adjournments of these matters if granted by the Court.

Strict adherence to the Adjournment Policy promulgated in the Rochester Division will be observed.

Dated:

Paul R. Warren
Clerk of Court